

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

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NH INSURANCE DEPARTMENT
NOV 29 2021

**In Re: Richard A. Dryer
Docket No.: Ins. No. 21-101-EP**

CONSENT ORDER

This Consent Order is made between the New Hampshire Insurance Department (“NHID”) and Richard A. Dryer, (“Respondent”), the terms of which are as follows:

FINDINGS OF FACT

1. Respondent is a resident New Hampshire insurance producer with a business address of 901 Union Street, Manchester, NH 03104. He has been licensed with the NHID since 1977. His current producer license expires September 30, 2022.
2. On December 29, 2015, Respondent and customer C completed an application packet for an annuity. As part of the application packet, Respondent filled out an “Annuity Suitability Form” listing, among other things, customer C’s liquid and non-liquid assets. The application packet which includes the Suitability Form is sent to the insurance company and this information is then used by the company to perform its own suitability review of the sale of the annuity to customer C.
3. Respondent misrepresented two monetary entries on the Suitability Form under the heading “Liquid Assets.” First, there was an entry on the form at “Pension/401K(Over 59 1/2)”. Customer C never had a pension and the dollar amount on that line should have been entered on the “Non-Liquid Assets” side of the form at “Annuities – In Surrender Period.” This misrepresentation increased the value of the customer’s liquid assets. Secondly, there was an entry on the form at “Annuities – “Out of Surrender Period.” The amount entered on this line should have been entered on the line “Monthly Household

Income” since the annuities were annuitized. This misrepresentation also increased the value customer’s liquid assets.

4. These misrepresentations on the Suitability Form in the application packet prevented the insurance company from having correct and accurate financial information that it would use in making its own legally required determination as to whether or not the sale was suitable to customer C.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact and the applicable provisions of law, the NHID concludes and finds the following Conclusions of Law:

- a. The Respondent is subject to the jurisdiction of the NHID; and
- b. Respondent violated NH RSA 402-J:12, I, (h) by misrepresenting the value of two liquid assets of customer C. These misrepresentations also affected the ability of the insurance company receiving the application packet to conduct its own suitability review as required by law.

ORDER

WHEREFORE, the NHID orders and Respondent consents to the following:

- a. The Respondent waives all rights to a formal administrative hearing in this matter and agrees that this Consent Order shall have the full force and effect of an Order fully entered in accordance with the adjudicatory procedure provided for in RSA Chapter 541-A and Ins Part 200.
- b. For the purposes of resolving this matter without a formal administrative hearing, Respondent agrees to a \$5,000 administrative penalty, \$2,500 of which is payable upon execution of the Consent Order and \$2,500 is suspended for 90 days. The

90 day period begins on the date the Order is fully executed. During the 90-day period, the Respondent agrees to take an on line Continuing Education course of 4 hours on the topic of Annuities and Suitability. Respondent must choose one course from the listed Annuity and Suitability courses that can be found on the NHID website. Upon completion of the course, Respondent will send a copy of the completion certificate to the NHID Attn: Licensing Division. The completion certificate must be received at the NHID by the 90th day. If Respondent does not complete a course at the end of the 90 period then the suspended \$2,500 becomes due and the Respondent agrees to immediately pay the suspended \$2,500 fine no later than the 95th day from the date the Consent Order was fully executed. In addition, Respondent agrees that the Continuing Education course will not be eligible toward any continuing education requirement of the NHID.

- c. The \$2,500 administrative penalty initially payable is due upon execution of this consent order, made payable to “Treasurer, State of New Hampshire”, and mailed to the attention of Sarah Prescott, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, New Hampshire 03301. The additional payment of \$2,500 due if the continuing education requirement is not met will be made payable and sent as described immediately above.
- d. In the event that Respondent fails to meet any of the terms set forth in this section, the NHID may institute further administrative proceedings under the authority of RSA 400-A:15, III or any other applicable law.
- e. By entering into this Consent Order, the NHID and the Respondent intend to fully resolve all issues relating to the above-mentioned matters. This Consent Order

shall be deemed a complete settlement and full and final resolution and is in lieu of any other action(s) that has and could have been brought by the NHID relating to these matters. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondent violate any provision of the State's insurance laws in the future.

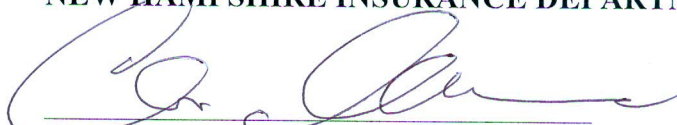
- f. This Consent Order shall be fully enforceable in any Superior Court in the State of New Hampshire, and any actions to enforce this Consent Order shall be governed by the laws of the State of New Hampshire.
- g. This Consent Order is considered a public regulatory action and will be reported to the National Association of Insurance Commissioners. The Respondent must, in the future, answer "YES" to any question which asks "have you ever been named or involved as party in an administrative proceeding" or any substantially similar question.

IT IS SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date:

11-29-2021



Christopher Nicolopoulos, Commissioner

Date:

11/18/21



Richard A. Dryer, Respondent